

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "SURGICAL REPAIR KIT AND ITS METHOD OF USE", the specification of which is filed herewith, and is identified by Attorney's Docket No. CHAN-33.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

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I hereby claim priority benefits under Title 35, United States Code, Section 120, of United States Patent Application Serial No. 09/111,237, filed 07/07/98 for SURGICAL REPAIR KIT AND ITS METHOD OF USE, and I hereby claim priority benefits under Title 35, United States Code, Section 119(e), of United States Provisional Patent Application Serial No. 60/101,162, filed 09/21/98 for SUTURE PASSER AND RETRIEVER SYSTEM.

I hereby appoint Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and William A. Bonk, III, Registration No. 40,521, or any of them, of 470 Totten Pond Road, Waltham, Massachusetts 02451-1914, (Telephone No. 781-290-0060), my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

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imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

K. Chan

Inventor's Signature: _____

Inventor's full name: Kwan-Ho Chan

Date: September 21, 1999

Residence: 4803 1st Place,

Lubbock, Texas 79410

Post Office Address: Same

Citizenship: Canada

MR/CHAN33.DEC

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All communications in this matter should be addressed to:

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

James A. Sheridan 10/07/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Kwan-Ho Chan
Serial No.: 09/400,162
Filing Date: 09/21/1999
Title: SURGICAL REPAIR KIT AND ITS
METHOD OF USE
Group Art Unit: 3731
Examiner: Julian W. Woo
Attorney's Docket No.: CHAN-33

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

"EXPRESS MAIL" MAILING LABEL NUMBER **EU614446810US**

DATE OF DEPOSIT **October 7, 2003**

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

James A. Sheridan

(PERSON MAILING)

James A. Sheridan 10/07/03
(SIGNATURE)

Respectfully submitted,

James A. Sheridan 10/07/03

James A. Sheridan
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470 Totten Pond Road
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Tel. (781) 290-0060

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Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/400,162, filed 09/21/1999 by Kwan-Ho Chan for SURGICAL REPAIR KIT AND ITS METHOD OF USE.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 09/400,162 (including specification, claims, drawings, a signed Declaration and Power of Attorney, and a VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS - INDEPENDENT INVENTOR) as originally filed;

2. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 09/400,162 is a complete and true copy;

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3. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/400,162, filed 09/21/1999 by Kwan-Ho Chan for SURGICAL REPAIR KIT AND ITS METHOD OF USE; and

4. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on October 7, 2003 as provided for under 37 CFR 1.10; and

5. A SUBMISSION OF FORMAL DRAWINGS for the above-identified application, consisting of Figs. 1-82 on fifty-one (51) sheets of drawings.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570 and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventor named in this continuation application is the same inventor named in the prior application Serial No. 09/400,162.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kwan-Ho Chan
Title: SURGICAL REPAIR KIT AND
ITS METHOD OF USE
Attorney's Docket No.: CHAN-33

Assistant Commissioner For Patents
Washington, D.C. 20231

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY
STATUS - INDEPENDENT INVENTOR

I, Kwan-Ho Chan, a citizen of Canada residing at 4803 1st Place, Lubbock, Texas 79410, as the inventor named in the above-identified application, hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for the purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), to the United States Patent and Trademark Office with regard to the invention described and claimed in the above-identified U.S. Patent Application; that I have not assigned, granted, conveyed or licensed, nor based upon information and belief am I under any obligation under contract or law to assign, grant, license or convey, any rights in said invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization as defined in 37 CFR 1.9(d) and (e), respectively.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

K. Chan

Date: September 21, 1999

Kwan-Ho Chan

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